

# Exhibit 52

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11 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**  
12 **AT YAKIMA**

13 STATE OF WASHINGTON, et  
al.,

14 Plaintiffs,

15 v.

16 DONALD J. TRUMP, et al.,

17 Defendants.  
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20  
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NO. 1:20-cv-03127-SAB

DECLARATION OF KEN  
FAJARDO IN SUPPORT OF  
PLAINTIFF STATES' MOTION  
FOR PRELIMINARY  
INJUNCTION

1 I, Ken Fajardo, declare as follows:

2 1. I am over the age of 18, am competent to testify as to the matters  
3 herein, and make this declaration based on my personal knowledge.

4 2. I started my career with the United States Postal Service in 1984 in  
5 Las Cruces, NM as a distribution clerk. I transferred to Albuquerque, NM in 1992  
6 as a mail processor working on the letter sorting machines or Barcode Sorter  
7 (BCS), the precursor to the Delivery Barcode Sorter (DBCS). Throughout my  
8 career I have performed duties of SPLSM clerk, registry room clerk, boxing  
9 clerk, window clerk, pouch rack clerk, manual distribution and other various  
10 assignments. I started my Union advocacy, with the American Postal Workers  
11 Union, AFL-CIO, Albuquerque Local 380 in 1993 and have served as steward,  
12 step 2 designee, Director of Education/Organization, Assistant Clerk Craft  
13 Director, Clerk Craft Director, Executive Vice President and arbitration  
14 advocate. I was elected as President in December 2016 and was re-elected in  
15 December 2019.

16 3. As the President of the American Postal Workers Union,  
17 Albuquerque Local 380 I represent different bargaining units which include:  
18 Clerk craft (mail processors, window clerks, administrative clerks, etc.),  
19 Maintenance craft (Electronic Technicians, Mechanics, Custodians, etc.), Motor  
20 Vehicle craft (Mechanics, Technicians, Supply Room Clerks, General Clerks,  
21 etc.). My jurisdiction is inclusive of the P&DC Albuquerque (Plant), the  
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FAJARDO

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1 Auxiliary Sorting Facility (ASF), and all stations and branches throughout  
2 Albuquerque and Rio Rancho. I investigate, file and meet on grievances at step 1  
3 and step 2, appeal to step 3 or arbitration. I partake in Labor/Management  
4 meetings and deal with all levels of management inclusive of supervisors,  
5 managers, Plant Managers, Postmasters, Labor Relations, District level officials  
6 and the District Manager. I also serve as an arbitration advocate.

7 4. The United States Postal Service delivers mail in the form of letters  
8 (stimulus, social security, tax return, pension and unemployment checks; census  
9 bureau inquiries and responses; absentee ballot applications; ballots; etc.); large  
10 envelopes (legal documents, tax returns, ballots), and parcels (groceries,  
11 medications, etc.) to every address in the country, and the world for that  
12 matter, inclusive of residential, business, small communities, rural areas, the  
13 military, the homeless via General Delivery, etc. They are not a business for  
14 profit but rather a break even Customer Service oriented agency. By statute  
15 they are required to provide prompt, reliable and universal service to all citizens  
16 and addresses in the United States.

17 5. As recently as 7 years ago the Albuquerque, NM Processing and  
18 Distribution Center (P&DC), located at 1135 Broadway Blvd NE, Albuquerque  
19 NM 87101, processed **all** mail for New Mexico. Shortly after the USPS  
20 pulled mail for Las Cruces, Roswell, Alamogordo, Clovis and surrounding areas  
21 and sent out of state to El Paso and Lubbock, TX. At that time Albuquerque had  
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1 over 20 letter sorting machines which they began removing. As a result the  
2 Albuquerque USPS lost many good career jobs.

3 6. I'm sure you are aware of President Trump's complaints about  
4 potential problems with mail-in voting. This will be the biggest mail-in voting in  
5 the history of the United States. What the President fails to mention is that the  
6 new Postmaster General (PMG) Louis DeJoy is implementing policies  
7 throughout the country that will create delays and problems with political  
8 mailings and mail-in ballots.

9 7. We know that is the case because here in Albuquerque they are on  
10 the fast-track to remove mail processing machines. Within the last three weeks  
11 they removed 1 Delivery Bar Code Sorter (DBCS), which is an automated letter  
12 sorting machine, and are in the process of removing 2 more. These machines  
13 process hundreds of thousands of letters daily/nightly for carrier delivery.  
14 Granted, the mail volume is down because of the COVID-19 crisis and summer  
15 break. With elections coming up, the economy reopening, school returning and  
16 Christmas shortly after, we expect mail volume to increase exponentially. The  
17 removal of these machines will be devastating to timely delivery of mails,  
18 stimulus checks, political mailings, absentee voter applications and ballots. To  
19 lockout these machines for the interim would be more sensible until such time  
20 the volume of mail returns. To remove them is Customer Service suicide. It  
21 appears there is a concerted effort between the PMG and the President of the  
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1 United States to sabotage the elections and bring the President's concerns to  
2 fruition. In addition, they are removing an Automated Facer Cancellor Sorter  
3 (AFCS) machine which cancels stamped mail and prepares it for the letter sorting  
4 machines. This will further delay the delivery of mails and ballots.

5 8. Furthermore, the USPS has implemented a new pilot program here  
6 in Albuquerque at the 5-Points station in the South Valley. The basis of the  
7 program is to force Carriers onto the streets earlier. The problem is that there  
8 is first and second class mail left behind inclusive of checks and newspapers. In  
9 the near future this will include political mailings, absentee ballots and  
10 applications. The Union feels it is not a coincidence that demographically 5-  
11 Points stations has the highest percentage of Hispanic population within the city.  
12 This misguided policy also impedes on 5-Points station Customers' rights to  
13 prompt, reliable and universal service in accordance with statute.

14 9. Finally, Management has implemented a new Standard Operating  
15 Procedure (SOP) which renders late trips, extra trips, and diversion of mails  
16 illegal with respect to the trucks that transport mails to all stations/branches and  
17 Post Offices in New Mexico. Because of that trucks are being dispatched not to  
18 capacity and sometimes empty, employees are being investigated for dispatching  
19 1 minute late and mails are being delayed. Everything from letters  
20 (unemployment, social security, stimulus, tax return and pension checks;  
21 absentee ballot requests, ballots, etc.), large envelopes (legal documents, ballots,  
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1 etc.), parcels (medications, groceries, etc.). The alleged intent of the SOP is to  
2 reduce costs but it's at the expense of Customer Service in the form of delayed  
3 mail.

4 10. On August 18, 2020 PMG Dejoy pulled back, **temporarily**, on  
5 these misguided policies until after the elections, however; the damage is done.  
6 Albuquerque removed one letter sorting machine which will never return.  
7 Another letter sorting machine was unplugged as well as an AFCS (canceler  
8 machine) in order to remove. They plugged these machines back in but they are  
9 non-functional due to printers being removed, ink jets drying up, and having to  
10 order parts to replace. There is no firm date when these machines will be  
11 functional and if this will take place prior to the elections. As stated above this  
12 pull back is temporary. Make no mistake, the USPS will continue with these  
13 degrading policies immediately after the elections.

14 I declare under penalty of perjury under the laws of the State of  
15 Washington and the United States that the foregoing is true and correct.

16 DATED this 9 day of September, 2020, at Albuquerque, NM.

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KEN FAJARDO

President

American Postal Workers Union, AFL-CIO,  
Albuquerque Local 380

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